

# **COOPERATIVE AGREEMENT**

**BETWEEN**

**THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**and**

**LEON COUNTY**

**for the**

**DESIGN AND PERMITTING OF THE**

**FULLER ROAD MULTI-USE REGIONAL STORMWATER TREATMENT FACILITY**

**WHEREAS**, the Northwest Florida Water Management District (District), Leon County (County), and Florida Communities Trust (FCT) obtained and provided funds to purchase approximately 26 acres of land north of Fuller Road adjacent to Meginniss Arm of Lake Jackson for multiple purposes, including construction of a regional stormwater treatment facility (RSTF) and public recreational and environmental education facilities, reduction of nonpoint source pollution; and shoreline and wetland restoration; and

**WHEREAS**, the Florida Legislature enacted Chapter 87-97, Laws of Florida, of which sections 1 through 6 are the Surface Water Improvement and Management (SWIM) Act; and

**WHEREAS**, the SWIM Act charges the District with certain planning and implementation duties for the improvement and management of surface waters of regional and statewide importance; and

**WHEREAS**, Lake Jackson, in Leon County Florida, is a state-designated Aquatic Preserve and Outstanding Florida Water, and is the second highest priority waterbody on the SWIM Priority List for Northwest Florida; and

**WHEREAS**, the District and Leon County have jointly developed the Lake Jackson Management Plan, Lake Jackson Regional Stormwater Retrofit Plan and the Okeechepkee Basin Stormwater Alternatives Analysis and Plan all of which seek to reduce nonpoint source pollution loading to Lake Jackson and include technical descriptions of the proposed Fuller Road RSTF; and

WHEREAS, Leon County has indicated its desire to develop a Greenways network throughout Leon County; and

WHEREAS, the District SWIM program has committed funding for design and permitting associated with development of the RSTF and associated recreational facilities; and

WHEREAS, the District may receive U.S. Environmental Protection Agency Section 319(h) funding for the implementation of nonpoint source pollution reduction and education activities on the Fuller Road property; and

WHEREAS, Leon County has budgeted funds for the construction of the Fuller Road RSTF as part of its stormwater management capital improvements program.

NOW, THEREFORE, in consideration of services to be performed for the public benefit hereunder, the District and Leon County agree as follows:

A. The District Agrees:

1. To provide design, permitting, and on-site construction inspection services associated with the implementation of the Fuller Road RSTF project. These services shall include stormwater modeling, geotechnical investigation, archaeological investigation, and development of design drawings and technical specifications. The scope shall include all necessary components of the RSTF as well as the recreational amenities (trails, boardwalks, picnic areas, parking), shoreline and wetland restoration, and interpretive/educational signage and displays. The design and permits shall be prepared in such a manner that construction of the RSTF can proceed in the event timely funding is not secured for the remainder of the project. The plans and technical specifications shall be prepared in accordance with County engineering standards, sufficient to advertise for bid. The District's Professional Engineer in responsible charge of preparing the Design Drawings and Technical Specifications for the project shall affix to the cover sheet of the final construction specifications, his/her signature and registration number.

2. To coordinate all design work closely with appropriate Leon County personnel.
3. To form a "design committee" which will meet monthly, or more frequently if needed, during the design process. The committee will assist District staff in preparation of designs for the various project components.
4. To prepare the operation and maintenance permit application for the RSTF, subject to Leon County Public Works approval.
5. To secure all permits necessary for project implementation including Florida Department of Environmental Protection, Leon County, Florida Department of State, and U.S. Army Corps of Engineers.
6. To attempt to secure funds from the U.S. EPA 319(h) grant program to be used for the implementation of nonpoint source pollution reduction activities on the project site, including shoreline and wetland restoration and installation of educational signage and interpretive boardwalks, trails, and observation posts.
7. To provide for the services agreed to above through funds available from the District's Lake Jackson SWIM program.

**B. Leon County Agrees:**

1. To provide land necessary for construction of the planned RSTF on the Fuller Road properties acquired in April 1999 by Leon County using the FCT and District-acquired EPA funds.
2. To administer the construction contract.
3. To construct, own, operate and maintain the RSTF in accordance with operating permits issued by Leon County and/or the Florida Department of Environmental Protection.
4. To provide certain in-kind services associated with the facility design, and permitting, including survey work, legal assistance, right of way acquisition and assistance with any zoning, replatting, comprehensive plan amendment, code variance, FCT approval, or other permitting issues, as necessary.
5. To assign County personnel to the design committee. Such appointments shall at a minimum, include representatives from the Leon County Stormwater Management and Parks and Recreation Divisions.
6. To pay or have waived Leon County permitting, subdivision, replatting, or other administrative fees associated with the project.

7. To authorize the District to act as its agent in the securing of permits, subdivisions, contracts, easements, variances, and other activities associated with the project.

C. It is mutually understood and agreed that:

1. This Agreement shall remain in effect until December 31, 2001 unless extended by mutual written consent.
2. This Agreement may be terminated by either of the parties upon at least 30 days written notice.
3. Funding has not been secured for recreational amenities, shoreline and wetland restoration, and educational/interpretive components of the project; some of which are required by FCT pursuant to agreements between FCT and Leon County. It is anticipated that funding may be made available for these non-RSTF project components through a grant from the U.S. EPA to the District. However, if the EPA funds are not made available to this project, Leon County shall be responsible for securing and/or providing funding for those components required by FCT.
4. Notices provided for in this contract shall be delivered to the County by delivery to the County Project Manager and to the District by delivery to the District Project Manager.  
The Project Managers are:

**LEON COUNTY**

Felton B. Ard, P.E.  
Senior Engineer  
Leon County Public Works  
Stormwater Management Section  
2280 Miccosukee Road  
Tallahassee, Florida 32312

Phone: 488-8003  
Fax: 488-1260  
Email: feltona@mail.co.leon.fl.us

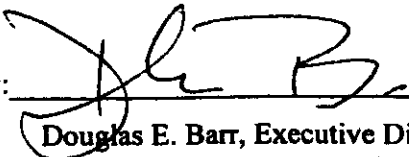
**NORTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

Tyler L. Macmillan, AICP  
Director, Resource Planning Section  
81 Water Management Drive  
Havana, Florida 32399-3700

Phone: 539-5999  
Fax: 539-4379  
Email: tyler.macmillan@nwfwmd.state.fl.us

**NORTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

**BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA**

By:   
Douglas E. Barr, Executive Director

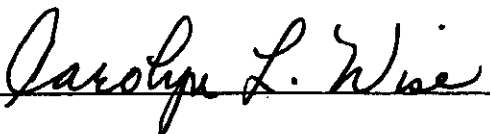
By: \_\_\_\_\_  
Chairman

Date: 12/23/99

Date: \_\_\_\_\_

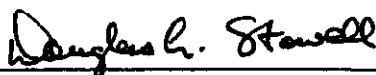
ATTEST

ATTEST

By: 

By: \_\_\_\_\_

**APPROVED AS TO FORM**

  
Douglas L. Stowell, Esq.  
NFWFMD General Counsel

\_\_\_\_\_  
Herbert W.A. Thiele, Esq.  
County Attorney